SPECIAL SUTICES.

LA CARD TO THE PUBLIC.

Having determined to close out our entire stock of LAST FALL AND WINTER GOODS before purchasing our new stock, we will offer

EXTRAORDINARY INDUCEMENTS FOR THE

NEXT FIVE DAYS.

Among this stock will be found

BLANKETS,

SHAWLS,

QUILTS. FLANNELS.

BLACK CASHMERES.

DRAP D'ETE CLOAKS.

WOOLLEN ULSTERS,

AND

CARPETS. Also, a full line of

COLORED CASHMERES,

NOVELTY DRESS GOODS. and a full line of

LAST WINTER'S SHADES IN

SILKS AND SATINS.

ON THE ABOVE GOODS WE WILL GUARANTEE

A SAVING OF TWENTY PER CENT.

COHEN BROTHERS. un 24-1t

BARGAINS IN BLACK SILKS.

JUST RECEIVED, GUINET'S BLACK CACHEMIRE: GROS-GRAIN SILK at \$1.50 per yard worth \$2; GUINET'S BLACK GROS-GRAIN SILK at \$1 worth \$1.25.

The above are special bargains, and well worthy of the attention of those who wish to save 25 per | tionary annals were equally momentous, cent, on their purchases. LEVY BROTHERS. au 18

LARGE ARRIVAL

FALL AND WINTER GINGHAMS AND CALICOES. If you wish to purchase fresh and destrable goods

LEVY BROTHERS'. call at [au 18] LEVY BROTHERS

ARE RECEIVING THEIR FALL AND WINTER DRESS GOODS.

They call particular attention to their FRENCH NOVELTIES, PLAIDS, CASEMERES, and other FASHIONABLE DRESS GOODS. LACE CURTAINS. WINDOW-SHADES, LAMBREQUINS,

OIL-CLOTHS, CARPETS, RUGS, MATS, HASSOCKS SHADE, and CURTAIN-FIXTURES,

and a large stock of CURTAIN MUSLINS, at LEVY BROTHERS'.

SATIN AND GROS-GRAIN RIB-BONS in all widths and colors at au 18

SPECIAL BARGAINS

MARSEILLES QUILTS LEVY BROTHERS'.

THE LARGEST STOCK FIRST-CLASS LINEN GOODS

IN THIS CITY IS AT LEVY BROTHERS

HUTZLER BROTHERS. 525 BROAD STREET,

THE GREATEST BARGAINS TO BE FOUND IN THE CITY. GIVE THEM A TRIAL. TREMENDOUS INDUCEMENTS.

PRICES LOWER THAN EVER. FRINGES, BUTTONS, LACES, RIBBONS, HOSIERY, GLOVES, CORSETS, and HANDKERCHIEFS. GOLD-PLATED JEWELRY A SPECIALTY. The largest stock of FASHIONABLE MILLI-ERV at half the wholesale cost. au 7 recognition of the fact that he came from NERY at half the wholesale cost.

DRY GOODS.

THE PRICE IS NO OBJECT CLOSE OUT ALL OUR STOCK,

We have a large stock of DRY GOODS, NO-TIONS, BOOTS AND SHOES, and a large lot of LADIES' READY-MADE SUITS, CLOTHING, HATS, &c., which must be closed out regardless of

Remember, NO HUMBUG; we mean business, and will sell at ANY PRICE to close out our large stock.

All who are to need of goods will do well to call early at the BALTIMORE AUCTION-HOUSE, No. 16 east Broad street.

J. ROSE, by 28-1m

Agent for S. Goldenberg.

GROCERIES AND LIQUORS. C. HART & SON'S PIEDMONT PATENT FAMILY FLOUR.
We have a supply of this excellent FLOUR in
LARRELS and BAGS. For sale by
au 24-codlm C. & E. WORTHAM, Agents. C. HART & SON'S WHITE ROCK

PATENT FAMILY FLOUR.
WHITE ROCK EXTRA FLOUR,
in BARRELS and BAGS.
A supply on hand for saie by
an 24-eodlm C. & E. WORTHAM, Agents.

FLOUR.-1,000 barrels VIRGINIA AND WESTERN GRADES-RICHMOND INSPEC-

SODA.-500 kegs BEST QUALITY SODA.

DAVENPORT & MORRIS. SALT! SALT! SALT!

DAVENPORT & MORRIS offer for sale, in sto LIVERPOOL FINE SALT,

DEAKINS'S.
WORTHINGTON.
WARSHALL.
FALK'S.
HERBERT'S

DEAN'S, BUCKLEY'S, EVANS'S. 2.000 sacks GROUND-ALUM and AGRICUL TURAL SALT, Richmond, jy 25-1m

PROPOSALS.

OFFICE OF SUPERINTENDENT OF
MILLER MANUAL LABOR SCHOOL.
POST-OFFICE, BATESVILLE, VA.,
August 16, 1860.

TO CONTRACTORS.—The Board having postponed the letting of the contrast for Builling OUR WORKSHOP until the 2d of Sealed Proposals for building the same until the eve of SFPTEMBER 1st.
The building is to be of brick with stone finish, four stories, including basement, 48 feet by 129 feet.

DAILY DISPATC

RICHMOND, VA., TUESDAY MORNING, AUGUST 24, 1880.

MERCHANTS ICENSES. Richmond Dispatch.

VOL. LVIII.

PAPERS OF THE CITY.

local rains near the coast.

M., 85; midnight, 78.

Mean temperature, 83 1-6.

THE OLD NORTH STATE.

King's Mountain.

owing:

ontributions.

of King's Mountain.

from the north.

second-class matter.I

WEATHER REPORT.

LOCAL MATTERS.

King's-Mountain Monument.

J. M. Nowlin acted as secretary.
On motion of Mr. J. P. Rogers, a com-

mittee of five was appointed to draft a pre-amble and resolution, who reported the fol-

The centennial anniversary of the battle

of King's Mountain will be commemorated

on 7th of October next, and a monument

is to be erected to mark the scene of the strife. In aid of this laudable and patriotic

object funds are needed, and our friends

from the Carolinas have called upon us for

We earnestly trust the response will be prompt and liberal on the part of our citi-

Few events recorded in our Revolu-

and there is not one which awakens more

grateful memories than the thrilling story

The sons of the Carolinas and of Vir-

ginia, inspired by an unconquerable devo-

and marched unbidden to face the foe at a

time when defeat had overwhelmed our

southern army and dejection and despair

pervaded the land. Without regular

with hunting-knife, they assailed and con-

quered tried veterans of the British army

and their allies, the ferocious and relentless

filled the North with dismay. It checked

the triumphant march of Cornwallis to the

subjugation of North Carolina, after he had

at Camden destroyed the only army in the

South, and before whom Gates had fled in

helpless and in hopeless route-his "north-

ern laurels turned to southern willows."

It diverted from its original destination

wallis in the conquest of North Carolina,

and thus detaching, according to the British plan, the southern from the northern

It compelled Cornwallis to retreat and await

reinforcements, and this in turn gave op-

combinations and that concentration which

made the final success at Yorktown possi-

This brief outline will recall and demon-

strate our hereditary interest in the pro-

posed celebration. But there is yet a

stronger claim to our cooperation. On the

eventful day before the battle joined a chief-

tain to lead the dauntless frontiersmen was

to be chosen. A Virginian was selected by

such a distance with his men to fight

for the Carolinas. Then let not distance

chill our sympathy in the projected celebra-tion, but, taught by this generous lesson of

let us show that it is not lost upon us now

by making willing and liberal subscriptions

to the centennial fund.

Resolved, therefore, That five committees, consisting of three members each, be ap-

of the merchants of Richmond to solicit

subscriptions in aid of the celebration of

the centennial and in the erection of a mon-ument to commemorate the battle of King's

The report of the committee was adopted

unanimously, and brief speeches were made

by President Watkins, Mr. G. S. Palmer,

The following gentlemen were selected

to receive subscriptions from the citizens

of Richmond for the above object: W. L.

White, Joseph Blair, Charles U. Williams, J. H. Chamberlayne, Henry W. Tyler, Wil-

FUNERAL SERVICES .- The funeral of Mr.

and best known citizens of Richmond, took

place yesterday evening from the residence

of his stepdaughter, Mrs. W. C. Adams, on

west Marshall street. The remains were in-terred at Shockoe Hill Cemetery. Mr. Jackson was one of the most powerful men in the city, and many anecdoles of his feats of strength are related. He was, however,

one of the most kind-hearted and peaceable of men, and stood high in the confidence of all the master painters, and of the commu-

A TERRIBLE FALL.-Yesterday morning

about 6 o'clock Mrs. Florsheim, a very elderly lady, mother of Mr. B. Florsheim, proprietor of a store on the corner of Fourth

and Broad streets, fell from a fourth-story window to the pavement below, sustaining injuries which may prove fatal. She was

CHURCH NOTES .- The Monumental church

scious condition, and

nity generally.

urgical aid summoned,

ph Jackson, one of the oldest painters

Mountain.

J. P. ROGERS,

G. S. PALMER,

S. B. HUGHES,

W. W. CRUMP,

GEORGE D. THAXTON,

Committee

the Carolinians, not alone for his knowledge

States, to hold them with resistless

tion to freedom, gathered spontaneously

A Test Case and an Important Deci-sion of the Supreme Court of Appeals. TUESDAY AUGUST 24, 1880

OPINION OF JUDGE STAPLES IN RE. WEBBER VS THE COMMONWEALTH-" SUSTAINING A SYS-THE CIRCULATION OF THE DISPATCH TEM OF LEGISLATION SANCTIONED BY TIME, 3 LARGER THAN THE COMBINED CIRCU-THE USAGE OF STATES, AND THE PRINCIPLES OF EQUITY AND JUSTICE "-THE LIABILITIES LATION OF ALL THE OTHER DAILY NEWS-AND PRIVILEGES OF RESIDENT AND NON-RESIDENT SAMPLE-MERCHANTS, &C., &C. [Entered at the Post-Office at Richmond, Va., as Brief mention has already been made in

INDICATIONS FOR TO-DAY .- For the Middle Atlantic States, stationary or higher barometer and temperature, east to south winds, partly cloudy weather, and possibly

THE WEATHER YESTERDAY Was clear and warm, with an occasional pleasant breeze THERMOMETER YESTERDAY: 6 A. M., 74; 9 A. M., 82; noon, 89; 3 P. M., 91; 6 P. the Circuit Court. On the trial in the County Court it was proved that the Singer Manufacturing Company is a corporation incorporated by the laws of New Jersey; that it has a place of business in the city of Richmond, where it keeps a stock of sewing-machines; that the company is duly licensed. MEETING OF MERCHANTS AT THE COMMECIAL CLUB LAST EVENING-CENTENNIAL ANNImachines; that the company is duly licensed for furnishing and delivering goods so sold VERSARY OF THE THRILLING STORY OF by the State of Virginia, having paid a li-cense-tax of \$322, and is therefore a resident KING'S MOUNTAIN-RICHMOND PROPLE CALLED UPON TO AID THE CELEBRATION IN merchant of this State, and taxed as such, and the defendant is its authorized agent, A meeting of the members of the Comand as such has sold and delivered at the mercial Club and merchants of Richmond was held at the Club-room last evening. time of sale since May 1, 1880, machines to divers citizens of Henrico county. The place of business in a county or town and The object of the meeting was to take action question before us is whether the defendant, towards collecting funds to aid in erecting a monument to commemorate the battle of victed of the offence for which he was in-Mr. Chiborne Watkins presided and Mr.

In determining this question it will be necessary to examine the provisions of various statutes relating to the assessment and a pedler, but he is not a sample merchant. collection of the public revenues. In one And this is precisely what was done by the or more of these statutes it is expressly declared that every license granting authority to any person to engage in any business, employment, or profession, shall designate the place of such business, employment, or profession, unless otherwise expressly provided. And engaging in or exercising any such licensed business elsewhere than at such designated place is declared to be would have been passed by without discuswithout license. And no person is allowed sion but for the earnest and elaborate argument of the learned counsel for the deunder one license, except by special provi- fence. sions of law.—Sections 88-94, pages 30, 31, It is claimed, bowever, that although the Virginia Revenue Laws, 1877. These prodefendant may be guilty of violating the visions, it will be observed, are very broad statutes relating to sample-merchants, or the in their operation, and apply as well to mer- statute relating to pedlers, he cannot be chants as to the owners of articles or machines manufactured in this State, or in dicted under those statutes, but under what other States and Territories. A careful ex-amination of the revenue laws fails to show Revenue Laws, 1878, page 65. That section business, unless it be the statutes relating organization, armed only with rifle and and 35th sections, pages 61 and 62, on commission or otherwise, shall be deemof the Revenue Laws. These sections declare that any person who shall sell, or offer tured articles of other States or Territories. to sell, any description of goods, wares, or The ground taken by defendant's is "that Tories—led by one of the ablest and most experienced of the British lieutenants. The results of this victory—so timely and so complete—were of incalculable benefit to the country, and especially to Virginia. Its as to prevent any resident merchant o manufacturer from exhibiting a specimen of his goods, wares, or merchandise any where in the State, or the exhibition of a sample of any property which the person exhibiting is authorized to sell without a sample-merchant license. And at the con clusion of the 35th section is the following provision: "Nothing in this or the precea powerful expedition designed to overrun Virginia, and then to cooperate with Cornding section (34th) shall be construed to require any licensed merchant or manufacturer who has paid a license tax of not less than one hundred dollars to pay an additional tax

FOR SELLING OR OFFERING TO SELL by sample, either by himself or his agents." heroic Green, frustrated his schemes of may sell by sample himself or he may sell conquest by obstructing and delaying his by agents. It is very true the language march, and thus affording time for those authority so to sell, but is rather in the form privileged to sell goods, wares, and merchandise until probibited by some statuary sections any person may sell by sample to any extent. When, therefore, the licensed of the operation of these sections he stands precisely as though they had never been adopted. If these sections do not apply to him there is no law that does, and he may sell by sample himself in any part of the State, or he may appoint any number of agents to sell for him without the payment of any additional tax. In this respect he the Carolina worthies of the Revolution, termed, is founded upon sound considerations of public policy. The sample-merchant is generally a non-resident, and be pointed by the Commercial Club on behalf youd the small tax he pays into the Treasury contributes nothing to the wealth and resources of the State, whilst he is coustantly withdrawing a large amount of capi tal from our midst as well as injuriously affecting domestic trade and enterprise. On the other hand, the resident merchant pays not only the tax upon his business, but generally he pays upon other subjects of taxation necessarily employed in that business and at the same time he is a substantial contributor to the wealth of the State in time of peace and her strength in time of war. We repeat, therefore, the statutes already cited have made a distinction between a licensed merchant or manufacturer who pays a tax of one hundred dollars and the mere sample-merchant. It was conceded by the Attorney-General that this distincon has been recognized and acted upon by the several departments of the Govern ment since 1874 until very recently, and although the Legislature has been repeatedly in session in the mean time it has never the Legislature, where it properly and

interfered to change the rule of construction so adopted. We think the courts ought not to do so, but leave the whole matter to rightfully belongs. We are now to inquire what are the rights and privileges of a sample merchant; for whate er they are, they may be exercised by the licensed merchant or manufacturer who has paid a tax of \$100. The 34th section defines a sample-merchant. He is one who sells or offers to sell any description of goods, wares, or merchandise by sample card, description, or other representation, card, description, or other representation, verbal or otherwise, or any agent for the sale or collection of orders by sample or description-list such as is prescribed by the C. O. D. Supply Company of America or any similar company." The word "sample, both in its legal and popular acceptation, means that which is taken out of a large openative as a fair representation of the large quantity as a fair representation of the whole—a part shown as a specimen." Inwhole—a part shows as a specimen. We apon the privilege within its limits. When we consider citur assects the word "sample" in its connection with "card" or "representation" shows what was intended by the Legislabour their assigns, it is obvious that if the correct the research of the correct that correct the correct that correct the correct the correct the correct that correct the correct the correct that correct the correct tha

ture. The history and the reasons of the iegislation contained in the 34th and 35th sections are perfectly well known.

The object was to provide a remedy for a

agents and salesmen from the commercial cities of the North traversing the State with sample-cards and description-lists, and receiving orders to be filled by their respective employers. The traffic yielded to revenue to the State, and was deeply injurious as well as unjust to the licensed merchant and manufacturer. It is hardly to be supposed that the Legislature in providing a remedy for this abuse intended to confer new privileges upon the licensed merchant and to allow him to sell as a merchant or pedler his goods by retail in any that will not stand the prescribed test. chant or pedier his goods by retail in any part of the State. If the right to sell by part of the State. If the right to sell and sample carries with it the right to sell and the probabilition was a police regulation within the power of the State. That case, therefore, did not call for any deof any that will not stand the prescribed test. the Dispatch of the decision of the Court of deliver as a retail merchant or as a pedler, Appeals in the case of Webber vs. The commonwealth on an appeal from the Cirwho pays a tax of \$100 may establish a place cuit Court of Henrico county. In this case the following able opinion was delivered by Judge Waller R. Staples:

of business in each county in the State and there retail his goods, or he may appoint any number of agents to peddle his The defendant was convicted in the goods from place to place, and sell them County Court of Henrico of selling and of- without restraint or limitation. The result fering to sell in said county certain machines would be that a license to sell at one place known as the "Singer Sewing-Machine" in effect confers authority to sell at any without having first obtained a license of the replace, according to the inclination or according to law, and was sentenced to pay a fine of \$50. To that judgment he applied for and obtained a writ of error from the Circuit Court, which affirmed the judgment a particular place may, of course, receive orders from his customers and others are the State was all of the County Court. A writ of error was in any and every part of the State, may fill awarded by this court to the judgment of these orders, and forward the goods accord-

by sample-card or description. And while it is conceded to be no easy task precisely to define where the privilege of the sample-merchant begins or where it terminates, it is very clear that a person, there sells and delivers the articles at the upon this state of facts, was properly con-time of sale, or a person who carries his victed of the offence for which he was in-goods from place to place and sells and deivers the article at the time of sale, is not defendant. Either he had a place of business in Henrico county, where he kept the machines for sale and delivery at the time of sale, or he carried them from place to place and sold and delivered wherever be would find a purchaser. In either case he

It is claimed, bowever, that although the convicted in this case, because he is not ined to be an agent for the sale of manufacthis section contains an express exception in favor of the owner, who has paid a iiinevitable implication that such owner may out of the sale in this State of ARTICLES MANUFACTURED IN OTHER STATES

agents of others, or, if they were the own-

persons are denominated agents by the statute, and are required to take out license in construction of defendant's counsel be cor- company, rect, if the 45th section is to be read as of HAVING TAKEN OUT A MERCHANT'S LICENSE, itself conferring upon the owner who has paid a merchant's tax authority to sell, we the county of Henrico or elsewhere; and have this anomalous condition of things. portunity to reorganize and recruit that Under this provision the licensed inerchant Under the 34th and 35th sections a resident patriot army which afterwards, under the or manufacturer who pays a tax of \$100 merchant who pays a \$100 tax may sell by tions or limitations imposed by the laws of were collected. sample; but the payment of the tax is a condition precedent to the exercise of the quoted does not of itself confer express privilege. According to the interpretation now sought to be put upon the 45th section, of an exception or proviso. It must be re- any dicensed merchant who is the owner. membered, however, that any person is whether he has paid \$20 or \$100, may sell not merely by sample, but he may sell by retail as a merchant or as a pedler in every enactment, and but for the 34th and 35th county or town in the State without limit or restraint. The result is that whilst the payment of \$100 tax is necessary in order merchant or manufacturer is excepted out to sell by sample under the 45th section, according to the present pretension any resident merchant who is the owner of the goods be offers for sale may sell without limit as to time or place. It is impossible that a construction which leads to such consequences can be correct. It is very true, as was held by this Court in the Myerdock case, whenever the merchant is authorized to sell stands upon much higher ground than the at a particular place he may appoint an agent mere sample-merchant, who for every adto sell there for him. But it is equally ditional agent is required to pay a tax of true that the merchant cannot confer upon \$50. This discrimination, if it may be so an agent authority to sell where he himself cannot lawfully sell. If, therefore, the inger Manufacturing Company cannot, under its Richmond license, sell in Henrico except by sample, it cannot, of course, apoint an agent to sell there in its place. that at last we are brought back to the inquiry, "What are the privileges of a resident merchant who has paid a tax of one hundred dollars?" These privileges, whatever they may be, are defined not by the 45th section, but by other provisions already cited. But although the owner is not pun ishable under the 45th section because he is expressly excepted from its operation, there is no such exception in favor of any other person, not even an agent of the owner. For whilst the law protects the agent in selling where the principal may lawfully sell, it does not so protect him in selling where the principal himself is prohibited from selling. It is very true also that the 45th section is silent as to the mode and manner of selling. It is a matter, however, of no importance. All manner of elling is prohibited unless the party can show that the privilege is conferred upon him under other statutes, as, for example, that he is a merchant licensed to sell at the place of sale, or that he is a resident manufacturer, or that he is authorized to sell by sample, and is merely exercising that privilege. It seems to us this is the only construction that can be given to these revenue laws, unless we mean by a sort of judicial legislation to change the whole policy of the Legislature for the last thirty years with respect to the licensed business of the State. We are therefore of opinion the defendant was properly convicted under the 45th section, and the County Court did not err in so holding. It has been further insisted that the ma chines sold by the defendant as agent of the

Singer Manufacturing Company were manu factured by the company as assignees under a patent of the United States, and that no tate can consistently with the Federal Constitution and the laws of the United States impose burdens by taxation or other-wise upon the privilege of selling such ma-chines within its limits. When we consider chines within its limits. When we consider the number and variety of patented articles sold throughout the country by the patentees or their assigns, it is obvious that if the proposition contended for be correct the States will be deprived of an immense amount of revenue for the support of their governments and the conduct and management of their flomestic economy and administration. The learned counsel pro-

cision of the precise point involved here. But Mr. Justice Holland, who delivered the opinion of the Court, drew a very just distinction between the right of property in the physical substance, which is the fruit of a discovery or invention, and a right in the discovery or invention itself. The right to sell the oil itself is not derived from the pat ent, but exists independent of it. The right which the patent primarily secures is the exclusive right in the discovery or invention, which is an incorporeal right. enjoyment of that right may be secured and protected by the Federal Government against all hostile State legislation, but the tangible property which comes into exist-ence by the application of the discovery is not beyond the control, as to its use, of State legislation simply because the inventor acquires a monopoly in the discovery. Applying these principles to the present case, the patentee has the exclusive right to use or sell the "Singer sewing-machines." No one has the right to use the product of his labors except with his consent. He has a monopoly in the invention, and this is the sole operation and effect of the patent. But this does not prevent the States in the exercise of their just powers of taxation from taxing the business of selling the machine which is the subject of the invention. If the State attempts by a system of hostile and discriminating legislation to destroy the entire value or use of the discovery or invention, a very different question would selling by sample-card or description. then be presented. But so long as the tax-such a person may be a retail merchant or ation imposed is just and reasonable, and ation imposed is just and reasonable, and accords with the general burdens imposed upon like subjects of taxation, there will be no just ground of complaint. As was said by Chancellor Kent in Livingston vs. Van Ingen, 9 Johnson, Rep. 582, that species of property must likewise be subject to taxation and to the payment of debts as other personal property. The na-tional power will be fully satisfied if the property created by patent be for the given time enjoyed and used exclusively, so far as under the policy of the several States the property shall be deemed fit for toleration and use. There is no need of giving this power any broader construction in order to attain the end for which it was grantedwhich was to reward the beneficent efforts of genius and to encourage the useful arts. Under the Virginia statutes it is not pre

tended there is any discrimination against patentees residing in this or other or against their assigners. The States, any enactment allowing either of these classes of persons the privilege of selling elsewhere than at their designated places of machines of other States or Territories, uncertainty and their designated places of machines of other States or Territories, uncertainty and their designated places of machines of other States or Territories, uncertainty and the sale of all articles or machines of other States and Territories, uncertainty and the sale of all articles or machines of other States and Territories, uncertainty and the sale of all articles or machines of other States and Territories, uncertainty and the sale of all articles or machines of other States or Territories, uncertainty and the sale of all articles or machines of other States or Territories, uncertainty and the sale of all articles or machines of other States or Territories, uncertainty and the sale of all articles or machines of other States or Territories, uncertainty and the sale of all articles or machines of other States or Territories, uncertainty and the sale of all articles or machines of other States or Territories, uncertainty and the sale of all articles or machines of other States or Territories, uncertainty and the sale of all articles or machines of other States or Territories, uncertainty and the sale of all articles or machines of other States or Territories, uncertainty and the sale of all articles or machines of other States or Territories, uncertainty and the sale of all articles or machines of other States or Territories, uncertainty and the sale of all articles or machines of other States or Territories, uncertainty and the sale of all articles or machines of other States or Territories, uncertainty and the sale of all articles or machines of other States or Territories, uncertainty and the sale of all articles or machines of other States or Territories, uncertainty and the sale of all articles or machines of other States or Territories, uncertainty and the sale of all articles or machines of other States or Territories, uncert less he be the owner thereof and taxed as a whether patented or not, and no complaint to sample-merchants, found in the 34th merchant, or who shall take orders therefor is made that the tax is burdensome or oppressive. It was said by the Attorney-General in the argument here that the patent granted to the inventor of the "Singer ewing-machine" had expired, and had not been renewed by Congress. If this be so, as no doubt it is, there can be no pretence cense tax; that this exception creates an or claim of right in the present company to the exclusive use or sale of the machines, or the country, and especially to Virginia. Its moral effect in reviving the spirit of the people and in encouraging them to renewed privilege of selling anywhere in the State. people and in encouraging them to renewed efforts and greater sacrifices was second only in its salutary and cheering influences only in its salutary and cheering influences appears to sell in his place. But for or salesman to sell in his place. But for only in its salutary and cheering influences appears to salesman to sell in his place. But for or salesman to se efforts and greater sacrifices was second only in its salutary and cheering influences to the victories of Trenton and of Princeton. It came when the dark shadow of a to sell he must pay an additional text of fifty and privileges upon any class of perton. It came when the dark shadow of a distinct provided that nothing in the second of the first place the forty-to conflict with the power vested in Congress william Vaughan to sell he must pay an additional text of fifty section was not designed to regulate commerce among the several to sell he must pay an additional text of fifty section was not designed to regulate commerce among the several to sell he must pay an additional text of sell he must pay and sell he must pay and sell he must pay an additional text of sell he must pay and sell he must pay an disastrous defeat overspread the South with disastrous defeat overspread the South with lits gloom and when Arnold's treason had to prevent any resident merchant or defend by characteristics. The sole object of the 45th section was to restrain-to it. The Singer Manufacturing Company, provide some remedy for an evil growing as far as appears, paid the tax imposed on protest, and was only licensed as such. Un-

and clearly attached no great importance to resident merchants without objection or der this license it claims the right to sell its brought here by persons who were the machines in any part of the State, and this ers, paid no tax for the privilege. All such whole controversy grows out of the assertion of that right. Upon the trial in the County Court its claim for exemption was each county in which they sell. But if the based upon two grounds. First, that the

had the right under it to sell by its agents in

secondly, that as assigner of the patentee it could sell independently of any restricthe State. It does not appear that any ques tion was raised as to the constitutionality of the tax in other respects, or that the pleadings or evidence were framed with reference the point now presented in the argument. That point seems to have been an after-thought-first raised in the Circuit Court and now renewed in this court. Without entering into any detailed argu-ment on the subject, we think there is no just ground for saying that any discriminaion is made by the statutes of this State against the products or citizens of other states. As was said by the Supreme Court of the United States in Wordruff vs. Parham, 8 Wallace, 140, there is no attempt to discriminate injuriously against the products of other States or the rights of their citizens, and the law is not, therefore, an attempt to fetter commerce among States or to deprive the citizens of other States of any privilege or immunity possessed by resident citizens. For whether the goods be manufactured here or manufactured abroad, their sale without a license is equally prohibited, and the same tax is to be paid in each case for he privilege of selling. It is very true hat the 46th section contains an exception n favor of resident manufacturers. his exception is not founded upon any idea of discriminating against non-resident manufacturers, but upon the policy of bolding out inducements to the investment of capital and the employment of labor in that branch of business. When we consider the practice, energy, and skill, so necessary in all the various processes required for the production of manufactured articles, the great outlay of capital and labor necessary, the accessions they bring to the wealth and power of a community, and the taxes imposed upon the property employed in that branch of business, it is not at all surprising bat many of the States have allowed exemp tions from taxation upon the article whilst it is in the hands of the manufacturer. It might with as much propriety be contended that exemptions in favor of literary and benevolent associations constitute unjust discriminations against non-residents. If the resident manufacturer pays no tax upon the equivalent in the burdens imposed upon the property, real and personal, eften em-ployed in the business. This exception is nothing new in Virginia. It has prevailed here for nearly forty years without being-called in question. No decision of the Su-prame Court of the United States or of any court has been cited which holds that such an exemption is an unconstitutional dis-erimination against non-residents. Most of the cases are cited in Howe Machine Company us. Gage, recently decided by the Su-presse Court of the United States and not yet reported. Fair none of them invoke the precise question arising here. This Court has, therefore, no sort of difficulty in sustaining a system of legislation sanctioned by time, the usage of States, and the prin-

ANNUAL VOLKSFEST OF THE CONCORDIA SC

ciples of equity and justice.

NO. 47. the gold medal. These medals were pre sented by Mr. W. A. Roane, a member of the society.

A very pretty pitcher, valued at \$25, was won by Mr. William Fairlamb in the rifle-shooting, and a handsome silver medal was secured by Miss Bertha Essex in the archery

Miss Ida Bradley, of Manchester, was the successful contestant for a beautiful pair of vases in the rifle-shooting match in which one but ladies took part.

The wheelbarrow race was very amusing Only two persons took part in it, however, both being blindfolded. Mr. Gus Hannah was successful, and received twenty-five eigars as his reward.

A small boy named Henry Walkerton came near being drowned by the capsizing of a boat in the lake. He was rescued by Mr. John Browning.

RICHMOND AND ALLEGBANY RAILROAD rums.-Mr. Miles Cary has been appointed by Decatur Axtell, Esq., general manager of the Richmond and Alleghany Railroad ompany, local freight agent for this city, and will enter upon the discharge of his du-ties on the 1st of September. Mr. Cary is at present delivery clerk at the Chesapeake and Ohio Railway Company's freight office in this city. The appointment is regarded as an excellent one.

Messrs. Norvell, Leake & Co. have about completed their contract for 200,000 ties for the road between Richmond and New Canton, and yesterday entered into another contract for 60,000 ties to be delivered between Buchanan and the mouth of North The track has been laid from Maiden's

Adventure dam to Richmond with the exception of a few yards of trestling across the feeder at the Three-Mile locks, which will be completed in a day or two.

The heavy cliff-work at Maiden's-Adven-ture dam is also well under way, one ball having already been finished, and the remainder will be completed in about twenty days, by which time the line will be entirefor the track-layers from the dam to Columbia-twenty-nine miles.

The connections at Williamson's are be ing pushed rapidly, and that portion of the line will at an early day be ready for the rails—in fact, gratifying progress is being made all along the line.

The track was completed down to the end of the Tredegar wall last evening, and the boys and half-grown young men in the neighborhood took advantage of the con struction-cars, which were left on the side of the road, and after the "bosses" left had a fine frolic on the new steel rails, the ring of which could be heard a long way off.

The telegraph line is being erected, and oon there will be telegraph communication with all the principal points on the

Police Court .- The following cases were disposed of at the Police Court yesterday by Police Justice D. C. Richardson:

Preston Myers and Neal Williams, two small colored boys, charged with stealing flowers from Shockoe Cemetery, were turned over to their parents to be whipped. Harriet Brown (colored), charged with busing Mrs. E. B. Reynolds, was dis-

charged. Rechel Coleman and Eliza Dickinson both colored), charged with feloniously younding Laura Gatewood (colored) with some sharp instrument with intent to kill, were sent on the grand jury.

Maggie Person (colored), charged with beating Willie Laughlin, infant child of

Ann Laughlin. Discharged on payment of William H. Jones (colored), charged with stealing \$5 in United States currency from William Vaughan and Alexander Ross,

was found guilty and sentenced to receive George Warren, charged with keeping an

ill-governed house, was discharged. James Garner (colored), charged with stealing \$45 from the Sons and Daughters

of Liberty. Not guilty. Frank Lee, Sarah J. Harvey, Reuben Brown, Sim. Harris, Nich. Slaughter, J. Merriman, R. R. Humphries, William Young, Frank Halstead, Nellie Mathews, Charles Hermann alias Miller, Henry Morgan, James Gill, Lee Meators, John Harman, James D. Thomas, and Robert Flagg, have an immediate effect upon the liver and remove charged separately with violating the city the accumulating bile. It so acts upon the liver, ordinance. Harvey, Brown, Merriman, Humphries, and Young were fined \$2 each; Harris, Slaughter, Gill, Meators, and Flagg, \$5 each; Lee, Mathews, Hermann, Morgan, and Harman, \$1 each; Thomas, \$10; and Halstead \$2.50. Nearly all of the fines

BEEF. THE STEAMER CITY OF RICHMOND,-This superb new steamer has just been finished at Philadelphia, and is expected to arrive here on Thursday next. We are reliably informed that she is the largest, fastest, and most elegantly-furnished steamer that has ever ran on the James-River route, being about the size of the Bay-Line steamers She has fifteen or twenty staterooms, including bridal and family saloon rooms, and has been built at a cost of about \$150,000.

Her saloons and general appointments were designed by Mr. L. B. Tatum, superintendent of the Virginia Steamboat Company, who has been in Philadelphia for this purpose for some time and will com round in her. On her first trip up the river she is ex-

pected to arrive here earlier than any other steamer has ever been able to make the trip, and will be thrown open for inspection from P. M. to 7 P. M. Our citizens generally, and especially the tadies and business-mer are invited to visit her. She will prove rare sight in outfit and general appearance. The company contemplates giving a series of novel family day excursion brips the first week of her arrival and before she goes regularly on the line, such as the unprece dented feat of a trip to Norfulk and back too Richmond the same day. As there will be

Richmond the same day. As there will be only one trip of this kind it will be a rare eccasion for family parties. As our readers generally know, the City of Richmond was built expressly for our

PERSONAL-BRIEF ITEMS,-General Rogers returned on Saturday evening by the steamship Manhattan from New York, Judge Joseph Caristian has returned to the city.

General R. H. Anderson, of Saxannah Ga., is in the city: General Anderson commanded the division of the Confederate army which embraced Mahone's oldbrigades and is the father of Mrs. William Allen, of Richmond.

begin their tant session September 20th and continue between seven and eight Rev. Dr. Armstrong has gone to Stribling Springs.

The public schools of Henrico sounty will

It was about 62 o'clock P. M. when the York River traindeft West Point Sunday, and about 95 when it reached Riebmond. The sanual meeting of the Greenbrie White Salphar Springs Company will be ber 24th. held September 24th.

The last of the visiting military have re turned from their visit to the White Sulphur

A man named Conner was found Sunday by Policeman Angle on the streets in a bad

condition. He was taken to the station house and afterwards sent home in the city

THE DISPATCH.

TERMS OF ADVERTISING

on the Chesapeake and Ohio train soon after they were married.

A number of the Knights Templar have returned from the pilgrimage to Chicago, Others went on to New York, and will be beent some days to come.

Coup's Circus.—Mr. Frank J. Pilling, advertising agent of Coup's United Monster Shows, left yesterday evening for Norfolk to arrange for the exhibition in that city next Monday. Within the past few days several important additions have been made to the arena, among them Sam. Watson. a celebrated English rider from the well-known Henriques Show.

For the better accommodation of the public, tickets will be placed on sale at Johnston's on Friday, where they can be obtained without extra charge.

tained without extra charge.

BLIND SINGERS .- The Williamson-Frater BLIND SINGERS.—The Williamson-Frater family, consisting of four blind persons and one deaf-mute (all colored), will give an entertainment in Richmond next week under the management of Louis N. Johnson. The time and place will be made known in a future advertisement. These parties are from North Carolina, were educated in the Institution for the Deaf, Dumb, and Blind, and are reported to possess musical talent of the highest order. Their power of instating musical instruments is said to defy thorough description. thorough description.

THE COURT OF APPEALS.—The Supreme Court of Appeals, which has been in session at Wytheville for some time past, adjourned last Friday. The next term of the court ommences at Staunton September 10th.

MANCHESTER AND VICINITY.

Church Notes .- There were services at ill the churches in the city Sunday. At the Baptist church Rev. Mr. Bethel, of Richmond, preached at night. Services at the Meade-Memorial church

were conducted by the new rector, Rev. Mr. Lacy. Rev. Dr. Witherspoon occupied the pulpit at the Presbyterian church in the ab-

sence of the pastor.

There was no preaching at the Methodist church Sunday night, as Mr. Woodward, the pastor, was sick. Sudden Death .- A little four-year-old boy

of Mr. Stegall, who resides in this city, near the corner of Ninth and Stockton streets, died quite suddenly Saturday afternoon. The little fellow complained of being sick, laid down to sleep, was taken with a concongestive chill, and died. The parents were greatly overcome with grief on discovering that the child; was dead Brief Items .- Rev. W. A. Campbell, of

the Presbyterian church, is still in very delicate health at Lexington, Va. Mr. W. G. Taylor's carriage-borses ran

away near Seventh street Saturday after-noon. The vehicle was demolished, and the driver barely escaped injury. About 300 persons attended the pic-nic given by four Sunday schools in Chester-

field county at the Courthouse Saturday. Several small boys were before the Mayor's Court yesterday morning charged with fighting. Their cases were continued until to-day.

A heavy rain fell in Chesterfield along the

ne of the James river Sunday, but several miles from the river not a drop fell. At the Methodist church Sunday morn

ng prayers were offered for the recovery of Bishop Doggett.
The school census of Chesterfield will be made known at the next meeting of the

School Board. HORSFORD'S ACID PHOSPHATE relieves mental and physical exhaustion, and gives vigor and renewed strength to the human system when weakened by overwork.

HEADACHE, DIZZINESS, sour eructations of the palpitation of the heart, pain in the region of the kidneys, despondency and forebodings of evil, are the offsprings of a torpid liver. For these plaints Dr. TUTT'S LIVER PILL has no equal. A single dose will convince any one.

YELLOW-FRVER .- To ameliorate the dreadful effects of yellow-fever take SIMMONS LIVER REGU-LATOR. Let it be given in large doses, that it may stomach, and blood, as to prevent the attack of this terrible disease.

EMINENT DR. W. C. CAVENAGH, MEMPHIS, TENN., WRITES: For weak digestion, consumption, general de-bility, and want of appetite, I cheerfully recom-

VALUE OF THE BUFFALO LITHIA WATERS AS COMPARED WITH OTHER MINERAL WATERS.

need Colden's LIEBIG'S LIQUID EXTRACT OF

Professor Surgery Medical College of Virginia; ex-President Association of Medical Officers Confederate Army and Navy; one of the Vice-Presidents of the International Medical Congress:

*In my experience the Buffalo Lithia Water is valuable in a greater variety of diseases and disor-ders than any other mineral water that I have over employed. I prescribe it in a dozen cases where I prescribe any other once." DR. WILLIAM T. M6WARD,
of Baitimore, Professor of Diseases of Women and
Children in the University of Maryland::

"Were I called upon to state from what mineral waters I have seen the greatest and most unmistakawaters I have seen the greatest and most unusstandble amount of good accrue in the largest number of
eases in a general way, I would unhesitatingly say
the Buffalo Springs, in Mecklenburg county, Va."

DR. KARVEY L. BYHD.

of Baltimore, late Professor of Diseases of Womenand Children in the College of Physicians and
Surgeons of Maryland:

"From my expresses with the action of these

"From my experience with the action of these waters, I regard them as possessing a degree of curative power and an extent of adaptation in chronic disease found in no other mineral water of which I have any knowledge, and I believe they might be used in almost all cases of chronic disease with

benefit." DR. TROMAS P. ATKINSON. ex-President of the Medical Association of the State of Virginia:

"I have been a repeated visitor at rices of the noted watering-places of the country, both North and South, and I have no hesitation whatever in saying that at no other health resort have I seen such genereflect great credit upon the city she is named after, as well as upon the energetic management of the company. She will be commanded by the veteran Captain (17)

PERSONAL LETRIA WATER. This selebrated weter is sold on draught by GRORGE SCHORN, No.

LEXY BROTHERS offer 1,000 yards of CRE conus, for Furniture Covering, Cuemins, &c., at 25c. a yard; actual value is 36c. per yard.

TWENTY-SEVEN HUNDSAD LINEN COLLARS at Se. apiece; 1,750 LINES COLLARS at 2c. a piece. These collars are sold usually at 10, 12%, and 10c. A large stock of NEW LACES at

LEXT BROTHERS'. See the great bargains in BLACK SILES at

BLACK FRENCH BUNTING, which they will sell at

the low price of 25c. a yard; it is worth 35c. See the new FALL and WENTER GOODS at LEVY BROTHERS'. Bay now and you will do as they l done-get the arst choices

I HAVE ANALYZED THE WHISKEY known under the braud of "B-Select," controlled by Mesars. WALTEN D. BLAIR & Co., Richmond, Va., and find it free from fusit-oil and other impurities, and recommend its use for medicinal and family purposes.

J. B. McCaw, M. D.,

J. B. McCaw, M. D.,
Late Professor of Chemistry.
Medical College of Virginia January 13. 1872.

AUCTION SALES THIS DAY.

was open on Sunday morning, the pastor, Rev. J. G. Armstrong, officiating. Divine service was also held by the pastor in the afternoon. Dr. Cowan presided at the organ, and Mrs. Tyler's sweet, rich voice, nasisted by Mr. Mallette's fine basso, with Mr. Kepler's, tenor, constituted the choir. CONSTANTIATING RASING EVIL